



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.us
FAX 410-313-3467
TDD 410-313-2323

April 1, 2010

AMENDED TECHNICAL STAFF REPORT

*Petition Accepted on September 24, 2009
Planning Board Meeting of April 15, 2010
County Council Hearing to be scheduled*

Case/Petitioner: ZRA-127 – Marsha S. McLaughlin, Director, Department of Planning and Zoning

Request: To amend Section 122.B. of the Zoning Regulations to add the use category Special Hospitals - Psychiatric as a use permitted as a matter of right in the M-1 District.

Department of Planning and Zoning Recommendation:

APPROVAL

I. DESCRIPTION OF AMENDED PROPOSAL

- In the original proposal for ZRA-127 the proposed amendment was to add a general Hospital Use Category for “Hospitals, intermediate care facilities and residential treatment centers” as a use to be permitted as a matter of right in the M-1 District, in order to allow a potential new health facility that is intending to locate in the County.

However, concerns were expressed about the original ZRA-127 that permitting such broad categories of medical facilities in the M-1 District could have an undesirable impact on other existing medical facilities in the region. Since that time, the Department of Planning and Zoning has obtained more detailed information about the facility, and now understands that the facility is to be a psychiatric hospital. So in order to alleviate the original concerns, ZRA-127 is now amended to specify that precise type of hospital as a use permitted as a matter of right.

- As stated in the September 24, 2009 staff report, currently, hospitals and related health-services facilities are only permitted as a matter of right in the POR District, and in certain areas of the NT District and MXD Mixed Use Developments that permit POR uses. If this revised amendment to add Special Hospitals - Psychiatric to the M-1 District is approved, this use category would also be permitted in the M-2 District because Section 123.B.1 of the M-2 Regulations permits all uses permitted as a matter of right in the M-1 District,
- The new amendment text is attached as Revised Exhibit A (UNDERLINED CAPITALS indicates the text to be added. Text in [[double brackets]] indicates the text to be deleted).

II. EXISTING REGULATIONS

- **In addition to hospitals, in the POR District both medical offices and ambulatory health care facilities are permitted as a matter of right. These same two health services uses, medical offices and ambulatory health care facilities, are currently also permitted in the M-1 and M-2 Districts.**

The fact that hospitals are currently permitted by right in the POR District, a less-intense district than the M-1 District, while only medical offices and ambulatory health care facilities are permitted in M-1, shows that allowing the Special Hospitals – Psychiatric category in the M-1 and M-2 Districts is logical and still follows an appropriate land use pattern.

- **It is unclear why the hospital use category became limited to the POR District.**

In the 1961 Zoning Regulations, which were in effect up to the approval of the significantly different 1977 Zoning Regulations hospitals were only permitted in the R-90 and R-20 Districts subject to the approval of a Special Permit, the equivalent of Special Exception and Conditional Use approval. In the 1977 Zoning Regulations, hospitals were added to the POR District alone as a permitted use, and the use category was entirely removed from the Special Exception section. Hospitals have remained exclusive to the POR District, or those areas that permit POR uses, since that time in the 1985, 1993, and 2004 Zoning Regulations.

III. BACKGROUND INFORMATION

A. Scope of Proposed Amendments

- **The proposed amendment would apply to properties in the M-1 and M-2 Districts, properties in the NT District that have approved Final Development Plans that permit M-1 uses, and properties in approved Mixed Use Developments in the MXD District that permit M-1 uses.**

IV. EVALUATIONS AND CONCLUSIONS

A. Relation to the General Plan

- **The proposed amendment is in harmony with Balanced and Phased Growth Policy 4.23 to “Enhance the delivery and accessibility of health and human services.”**
- **The amendment is also in general harmony with one goal of Policy 4.22, which concerns a comprehensive health and human services plan, to “Encourage and, where possible, assist the provision of adequate inpatient, outpatient and in-home health and human services care programs to County residents, including treatment for seniors, those in need of addictions services, the mentally ill, and the chronically and terminally ill.”**

IV. EVALUATIONS AND CONCLUSIONS

B. Relation to the Zoning Regulations

- There is no intent statement that specifically refers to health services or health-related facilities, however, in terms of providing more opportunity for economic development in the general health services sector, this proposed amendment is in harmony with the intent "To provide a guide for public action in the orderly and efficient provision of public facilities and services, and for private enterprise in undertaking development, investment and other economic activity relating to uses of land and structures throughout the County."

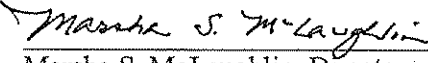
C. Other Issues

- The intensity of use of any type of hospital facility is generally no greater than some of the manufacturing and service uses permitted as a matter of right in the M-1 District. A psychiatric hospital would typically have a lower intensity of use than a general hospital.
- The proposed amendment has a distinct public benefit related to increasing economic development, in providing new jobs that would be associated with the new facility.

V. RECOMMENDATION

APPROVAL

For the reasons noted above, the Department of Planning and Zoning recommends that the amended ZRA-127 as noted above, be APPROVED.


Marsha S. McLaughlin, Director


Date

MM/JRL/jrl

NOTE: The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.

ZRA 127 – Revised Exhibit A

Section 122. M-1 (Manufacturing: Light) District

B. Uses Permitted as a Matter of Right.

1. Ambulance services.
2. Ambulatory health care facilities.
3. Athletic and recreation facilities, including:
 - a. Bowling alleys, billiard parlors, skating rinks, dance halls and similar uses.
 - b. Miniature golf courses and golf driving ranges.
 - c. Community and commercial swimming pools.
 - d. Athletic fields, tennis clubs, athletic centers, health clubs.
4. Banks, savings and loan associations, investment companies, credit bureaus, brokers and similar financial institutions.
5. Biomedical laboratories.
6. Blueprinting, printing, duplicating or engraving services.
7. Bus terminals.
8. Carpet and floor covering stores.
9. Car wash facilities.
10. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.D.3.
11. Carpet and rug cleaning.
12. Catering establishments and banquet facilities.
13. Child day care centers and nursery schools.
14. Concert halls.
15. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
16. Contractor's office and outdoor or indoor storage facility, including carpentry, cleaning, construction, electrical, excavation, exterminating, heating/air conditioning, home improvement, landscaping, masonry, painting, paving, plumbing, roofing, septic system, snow removal, well drilling, and other contractors.
17. Data processing and telecommunication centers

18. Day treatment or care facilities.
19. Farming, provided that on a lot of less than 40,000 square feet, no fowl other than for the normal use of the family residing on the lot and no livestock are permitted.
20. Flex- space
21. Food and drink production, processing, packaging and distribution for dairy products, food products, bakery products, non-alcoholic beverages, spices, ice and meats, excluding slaughtering.
22. Funeral homes.
23. Furniture, appliance and business machine repair, furniture upholstering, and similar services.
24. Furniture stores.
25. Government structures, facilities and uses, including public schools and colleges.
26. HOSPITALS, [[INTERMEDIATE CARE FACILITIES AND RESIDENTIAL TREATMENT CENTERS]] LIMITED TO SPECIAL HOSPITALS – PSYCHIATRIC AS DEFINED AND LICENSED BY THE STATE OF MARYLAND.